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## APPEAL OF AN ADMINISTRATIVE DECISION ON A SITE PLAN

**CASE NUMBER:** SP-2009-0285C

**P.C. DATE:** May 25, 2010

**PROJECT NAME:** Highway 290 Car Lot

**ADDRESS:** 7401 E. US Highway 290

**APPLICANT:** Budget Auto Brokers (Darush Forotandad)  
P.O. Box 180185 Phone: (512) 973-9786  
Austin, TX 78718

**APPELLANT:** Terry Godbold Phone: (512) 732-8388  
P.O. Box 162745  
Austin, Texas 78716

**AGENT:** Capital Engineering (Saeid Bassari, P.E.)  
1201 Justin Lane Phone: (512) 630-6184  
Austin, TX 78757

**CASE MANAGER:** Cesar Zavala, 974-3404  
[Cesar.Zavala@ci.austin.tx.us](mailto:Cesar.Zavala@ci.austin.tx.us)

**APPLICABLE WATERSHED ORDINANCE:** Little Walnut Creek (Water Supply Urban)

**AREA:** 1.82 acres

**EXISTING ZONING:** GR-NP / CS-NP

**PROPOSED USE:** Automotive Sales

**LEGAL DESCRIPTION:** Lot 1-A & Lot 2-A Three Point Seventy Eight  
Resubdivision

### **Description of Appeal:**

An appeal to an administrative extension of update deadline. [LDC Section 25-1-88].

- Extension of Update Deadline, LDC Section 25-1-88(A), an applicant may request of the director that the deadline of a site plan application be extended by filing a written request and justification prior to the deadline of that application.
- Under LDC Section 25-1-88(3), Extension of Update Deadline – an interested party may appeal the responsible director's decision under this subsection to the Land Use Commission.

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**Proposed Development:**

The applicant proposes to construct a 1,056 square foot car sales building and a 11,400 sq. ft. storage building, with utilities and associated improvements.

**Land Use Summary:**

The site is in the full purpose jurisdiction and within the University Hills Neighborhood Plan. The site is subject to GR-NP and CS-NP zoning regulations, both allowing automotive sales use. The site plan will comply with all ordinance requirements prior to approval and release.

**Staff's Determination of Extension:**

- A 180 day extension was requested by the engineer on March 23, 2010, prior to the expiration date of April 4, 2010. A 180-day extension was granted, extending the application date to October 1, 2010. Due to the complexity of the remaining comments, staff determined there was just cause to grant the extension.
- Extensions to the update deadline are standard practice by staff when unresolved issues are pending.
- Issues that remained at the time the extension was granted:
  1. The owner of the property contracted a new engineer to address staff's comments for the proposed development.
  2. Applicant conducted research on staff comments for a possible redesign.

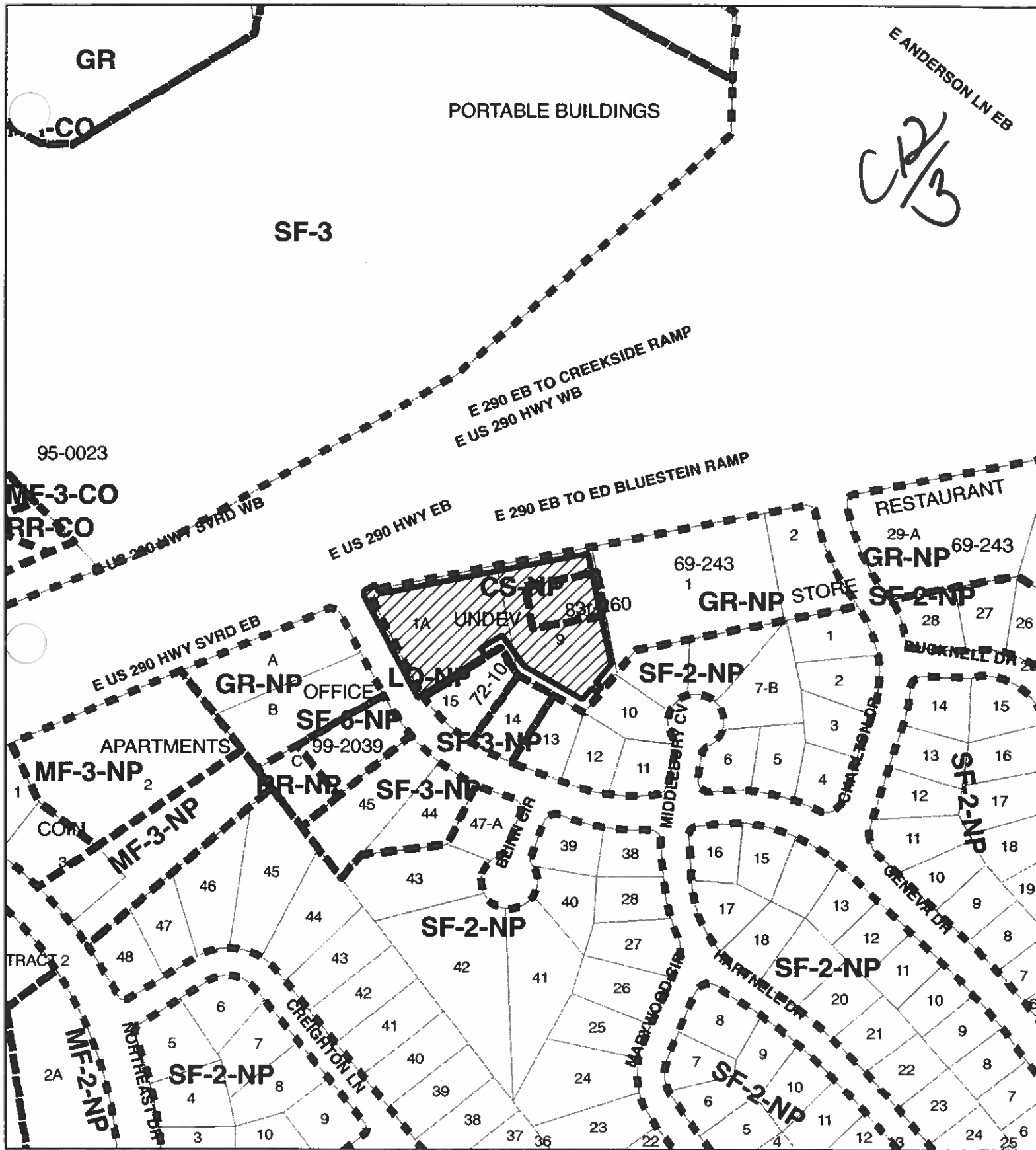
If the current site plan is not granted the extension and the application expires, the applicant may re-file the same site plan to obtain a site development permit.

**Appellant Issues (Terry Godbold):**

- Drainage from the proposed site plan will cause flooding to the appellant's property on 7406 Geneva.
- Depreciation of property value caused by construction of a car lot.

**Zoning and Platting Commission Action:**

- Under LDC Section 25-1-88(3), Extension of Update Deadline – an interested party may appeal the responsible director's decision under this subsection to the Land Use Commission.
- The commission may grant the appeal or determine the extension is valid.



SUBJECT TRACT



ZONING BOUNDARY

CASE#: SP-2009-0285C  
 ADDRESS: HIGHWAY 290 CAR LOT  
 PROJECT: 7401 E. US HIGHWAY 290  
 GRID: G26  
 MANAGER: CESAR ZAVALA

OPERATOR: C. ZAVALA



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# IMPERVIOUS TABLE

TOTAL SITE AREA = 79,567 S.F. = 1.8266 ACRES  
 TOTAL EXISTING IMPERVIOUS COVER = 0 S.F. = 0.0 ACRES = 0.0% IMPERVIOUS COVER  
 TOTAL PROPOSED IMPERVIOUS COVER = 61,611 S.F.  
 PROPOSED IMPERVIOUS COVER (%) OF NSA = 77.4%  
 IMPERVIOUS COVER ALLOWED (%) = 90.0%  
 TOTAL NEW BUILDING COVER = 12,456 S.F.  
 BUILDING USE = COMMERCIAL SERVICES/USED CAR SALES/STORAGE

ALL EXISTING AND PROPOSED BUILDING ARE 1 STORY IN HEIGHT  
 MAXIMUM HEIGHT OF EXISTING AND PROPOSED BUILDINGS IS 18'

U.S. HWY. 290 EAST

COMPLIANCE WITH BUILDING DESIGN STANDARDS.  
 ARTICLE 3 OF SUBCHAPTER E, IS REQUIRED, AND IS TO BE REVIEWED FOR COMPLIANCE DURING BUILDING CODE REVIEW.

## LEGEND

- STD. 8.5' x 17.5' PARKING SPACES
- 45 DEGREE 8.5' x 17.5' PARKING SPACES: EACH PARKING SPACE/ANGLE WILL BE SIGNED TO DISPLAY AREA ONLY.
- NEW 1056 SF SALES OFFICE, 15' IN HEIGHT.
- NEW GRASS AND TREE AREA, SEE LANDSCAPE PLAN FOR LAYOUT, PROTECTION VIA 6" CURB.
- PROPOSED STAIRS
- PROPOSED 12' x 12' DUMPSTER AREA WITH SCREENING ON 3 SIDES TYPICAL, 5' WIDE SIDEWALK, MIN. 2% CROSS SLOPE.
- PROPOSED BICYCLE RACK, 4 TOTAL.
- PROPOSED VAN HANDICAP MIN. 2% CROSS SLOPE
- PROPOSED STRIPED AREA
- PROPOSED HANDICAP PARKING, INTERSECTION SYMBOL MUST BE INCLUDED ON SIGN AND STATE RESERVE AND LOCATED 60' ABOVE THE GROUND.

## OFFICE

## PARKING TABLE

SITE CLASSIFIED AS COMMERCIAL SERVICES  
 ONE PART OF LOT 2-A IS GENERAL RETAIL USED CAR SALES OFFICE, 24' x 44'  
 1 SPACE REQUIRED FOR EVERY 750 SF  
 2 SPACES REQUIRED FOR NEW 24' x 44' OFFICE SPACE

NEW WAREHOUSE = 9400 SF  
 1 SPACE REQUIRED FOR EVERY 1000 SF  
 9 SPACES REQUIRED FOR NEW WAREHOUSE SPACE

NEW OFFICE = 2000 SF  
 1 SPACE REQUIRED FOR EVERY 275 SF  
 7 SPACES REQUIRED FOR NEW WAREHOUSE

18 TOTAL PARKING SPACES REQUIRED  
 61.85 x 17.5' REGULAR PARKING SPACES PROVIDED  
 AND 2 ADA PARKING SPACES PROVIDED IN LOT 1-A  
 AND 2 ADA PARKING SPACES PROVIDED IN LOT 2-A

11.4 TOTAL PARKING SPACES PROVIDED  
 ROADWAY DEDUCTION  
 GENL. ROADWAY WIDTH = 40'  
 R.O.W. = 60'  
 1/2 ENT WIDTH DIVIDED  
 BY 1/2 R.O.W. WIDTH = 20.50 = 66.75'

## SF3-NP

- ALL IMPROVEMENTS SHALL BE IN ACCORDANCE WITH THE RELEASED SITE PLAN.
- ANY ADDITIONAL IMPROVEMENTS WILL REQUIRE SITE PLAN AMENDMENT AND APPROVAL OF THE WATERHEATED PROTECTION DEVELOPMENT REVIEW DEPT.
- APPROVAL OF THIS SITE PLAN DOES NOT INCLUDE BUILDING AND FIRE CODE
- APPROVAL NOR BUILDING PERMIT APPROVAL.
- ALL SIGNS MUST COMPLY WITH REQUIREMENTS OF THE LAND DEVELOPMENT CODE.
- ADDITIONAL ELECTRICAL EASEMENT MAY BE REQUIRED AT A LATER DATE.
- WATER AND WASTEWATER SERVICE WILL BE PROVIDED BY THE CITY OF AUSTIN.
- A DEVELOPMENT PERMIT MUST BE ISSUED PRIOR TO AN APPLICATION FOR BUILDING PERMIT FOR NON-CONSOLIDATED OR PLANNING COMMISSION APPROVED SITE PLANS.
- FOR DRIVEWAY CONSTRUCTION, THE OWNER IS RESPONSIBLE FOR ALL COSTS FOR IN THE ROW.
- SCREENING FOR SOLID WASTE COLLECTION AND LOADING AREAS SHALL BE THE SAME AS, OR OF EQUAL QUALITY TO, PRINCIPAL BUILDING MATERIALS.
- ALL EXTERIOR LIGHTING TO BE LOCATED ON THE BUILDING WILL BE IN COMPLIANCE WITH SUBCHAPTER E 2.5, AND WILL BE REVIEWED DURING BUILDING PLAN REVIEW. ANY CHANGE OR SUBSTITUTION OF LAMP/LIGHT FIXTURES SHALL BE IN ACCORDANCE WITH SECTION 2.5.2.E

LOC — LIMITS OF CONSTRUCTION  
 FL — FIRE LANE  
 ADA — ADA ACCESS

DATE OF PREPARED: 11/11/2011  
 DRAWN BY: J. L. L.  
 CHECKED BY: J. L. L.  
 APPROVED BY: J. L. L.  
 DATE OF REVIEW: 11/11/2011  
 REVIEWED BY: J. L. L.  
 DATE OF REVIEW: 11/11/2011  
 REVIEWED BY: J. L. L.

JOB NO. SF-0012  
 DRAWING NO. SITE PLAN  
 DATE 5-13-2008  
 SHEET NO. 4 OF 11

DUARTE ENGINEERING  
 608 CANDLEBERRY CIRCLE  
 PFLUGERVILLE, TEXAS 78660

EAST 290 USED CAR LOT  
 GENEVA AND HWY 290 EAST  
 AUSTIN, TEXAS 78723





City of Austin Planning and Development Review Department  
505 Barton Springs Road / P.O. Box 1088 / Austin, Texas 78767-8835

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## SITE PLAN APPEAL

If you are an applicant and/or property owner or interested party, and you wish to appeal a decision on a site plan application, the following form must be completed and filed with the Director of Planning and Development Review Department, City of Austin, at the address shown above. The deadline to file an appeal is 14 days after the decision of the Land Use Commission (ZAP or PC), or 20 days after an administrative decision by the Director. If you need assistance, please contact the assigned City contact at (512) 974-2680.

CASE NO. P-2009-0285C

PROJECT NAME  Hwy 290  
USEO CAR LOT

PROJECT ADDRESS \_\_\_\_\_

APPLICANT'S NAME \_\_\_\_\_

CITY CONTACT \_\_\_\_\_

DATE APPEAL FILED Assume 1 April 2010

YOUR NAME Betsy Goodbold

SIGNATURE Betsy Goodbold

YOUR ADDRESS P.O. Box 162745

Austin Tx 78716

YOUR PHONE NO. (512) 732-8388 WORK

(512) 422-1447 HOME

**INTERESTED PARTY STATUS:** Indicate how you qualify as an interested party who may file an appeal by the following criteria: (Check one)

- ☐ I am the record property owner of the subject property
- ☐ I am the applicant or agent representing the applicant
- ☐ I communicated my interest by speaking at the Land Use Commission public hearing on (date)

☒ I communicated my interest in writing to the Director or Land Use Commission prior to the decision (attach copy of dated correspondence). NOT AVAILABLE

**In addition to the above criteria,** I qualify as an interested party by one of the following criteria: (Check one)

- ☐ I occupy as my primary residence a dwelling located within 500 feet of the subject site.
- ☒ I am the record owner of property within 500 feet of the subject site.
- ☐ I am an officer of a neighborhood or environmental organization whose declared boundaries are within 500 feet of the subject site.

**DECISION TO BE APPEALED\*:** (Check one)

- |   |                         |
|---|-------------------------|
| <input type="checkbox"/> Administrative Disapproval/Interpretation of a Site Plan                       | Date of Decision: _____ |
| <input type="checkbox"/> Replacement site plan  | Date of Decision: _____ |
| <input checked="" type="checkbox"/> Land Use Commission <del>Approval</del> /Disapproval of a Site Plan | Date of Decision: _____ |
| <input checked="" type="checkbox"/> Waiver or Extension   | Date of Decision: _____ |
| <input type="checkbox"/> Planned Unit Development (PUD) Revision  | Date of Decision: _____ |
| <input checked="" type="checkbox"/> Other: <u>Appeal does not comply with LDC</u>                       | Date of Decision: _____ |

\*Administrative Approval/Disapproval of a Site Plan may only be appealed by the Applicant.

**STATEMENT:** Please provide a statement specifying the reason(s) you believe the decision under appeal does not comply with applicable requirements of the Land Development Code:

SEE ATTACHED LETTER

(Attach additional page if necessary.)

Applicable Code Section: \_\_\_\_\_

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## Property Investments and Management

512-732-8388

512-327-3283 Fax

April 5, 2010

Cesar Zavala, Case Manager  
Planning and Development Review Department  
City of Austin, Watershed Protection and Development  
P.O.Box 1088  
Austin, TX 78767

RE: Site Plan for Hwy 290, Used Car Lot,  
Case No. SP-2009-0285C

Dear Mr. Zavala:

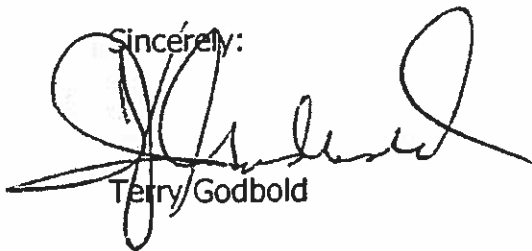
Please use this letter as my appeal under Section 25-1-88 to your decision to extend time to submit a site plan on the above stated case.

As drainage from that property is to Geneva, there is a possibility that without proper impervious coverage of the site there would be an over extending of the now already overused drainage thus causing flooding to my property at 7406 Geneva. 7406 Geneva also has what is considered a steep drainage slope to Waller Creek and should the street flood and over flow, the lot could be washed away thus creating a serious foundation problem on the now existing dwelling.

As I have also stated in other correspondence, allowing the construction of a used car lot in this neighborhood will depreciate the value of the surrounding residences which would create a neighborhood in decline.

Please do not approve this extension.

Sincerely:



Terry Godbold

# PUBLIC HEARING INFORMATION

Although applicants and/or their agent(s) are expected to attend a public hearing, you are not required to attend. However, if you do attend, you have the opportunity to speak FOR or AGAINST the appeal. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

During a public hearing, the board or commission may postpone or continue an application's hearing to a later date, and may grant or deny the appeal. If the board or commission announces a specific date and time for a postponement or continuation that is not later than 60 days from the announcement, no further notice is required.

The body holding a public hearing on an appeal will determine whether a person has standing to appeal the decision. (Land Development Code Section 25-1-181 & 25-1-191).

An interested party is defined as a person who is the applicant or record owner of the subject property, or who communicates an interest to a board or commission by:

- delivering a written statement to the board or commission before or during the public hearing that generally identifies the issues of concern (*it may be delivered to the contact listed on a notice*); or
- appearing and speaking for the record at the public hearing; and:
- occupies a primary residence that is within 500 feet of the subject property or proposed development;
- is the record owner of property within 500 feet of the subject property or proposed development; or
- is an officer of an environmental or neighborhood organization that has an interest in or whose declared boundaries are within 500 feet of the subject property or proposed development.

For additional information on the City of Austin's land development process, visit our web site: [www.ci.austin.tx.us/development](http://www.ci.austin.tx.us/development).

Written comments must be submitted to the board or commission (or the contact person listed on the notice) before or at a public hearing. Your comments should include the name of the board or commission, or Council; the scheduled date of the public hearing; the Case Number; and the contact person listed on the notice.

Case Number: SP-2009-0285C

Contact: Cesar Zavala, 512-974-3404 or

Elsa Garza, 512-974-2308

Public Hearing: Planning Commission, May 25, 2010

SUSAN BILLES

Your Name (please print)

7303 MIDDLEBURY CV 78723

Your address(es) affected by this application

Sharon H. Billeus 5-18-01

Signature

Date

Daytime Telephone: 512-215-9197

Comments:

Please don't allow a weed cut let our bill back fence be cut all in one

☐ I am in favor  
☒ I object

If you use this form to comment, it may be returned to:

City of Austin

Planning and Development Review

Cesar Zavala

P. O. Box 1088

Austin, TX 78767-8810

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Case Number: SP-2009-0285C

Contact: Cesar Zavala, 512-974-3404 or

Elsa Garza, 512-974-2308

Public Hearing: Planning Commission, May 25, 2010

Your Name (please print)

Elizabeth Arvizu

☐ I am in favor  
☒ I object

Your address(es) affected by this application

7406 Geneva Dr.

Elizabeth Arvizu

Signature

Date

Daytime Telephone:

505-629-3502

5/17/10

Comments:

If you use this form to comment, it may be returned to:

City of Austin

Planning and Development Review

Cesar Zavala

P. O. Box 1088

Austin, TX 78767-8810